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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,013	11/21/2003	Perry Rosen	103095-47442	5662
26345	7590	09/27/2006	EXAMINER	
GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE			WITHERSPOON, SIKARL A	
1 RIVERFRONT PLAZA			ART UNIT	PAPER NUMBER
NEWARK, NJ 07102-5497			1621	

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/721,013	Applicant(s) ROSEN ET AL.	
	Examiner Sikarl A. Witherspoon	Art Unit 1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-133 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-133 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-24, drawn to an aldehyde or formula (1A) and (1B), classified in class 568, subclass 497.
- II. Claims 25-37, 132 and 133, drawn to aldehydes of formula (1D) and method of making the same, classified in class 548, subclass 530+.
- III. Claims 38-48, drawn to compound of formula (1E), classified in class 548, subclass 530+.
- IV. Claims 49-50, drawn to compound of formula (1G), classified in class 548, subclass 519+.
- V. Claim 51-53, drawn to an amino acid, classified in class 564, subclass 553+.
- VI. Claims 54 and 55, drawn to amino acids, classified in class 564, subclass 553+.
- VII. Claim 56, drawn to a compound, classified in class 568, subclass 413.
- VIII. Claim 57, drawn to a compound, classified in class 564, subclass 152+.
- IX. Claim 58, drawn to a compound, classified in class 568, subclass 672.
- X. Claim 59, drawn to a compound, classified in class 548, subclass 530+.
- XI. Claim 60, drawn to a compound, classified in class 548, subclass 530+.
- XII. Claim 61, drawn to a compound, classified in class 568, subclass 30+.
- XIII. Claims 62-74, drawn to a conjugate, classified in class 564, subclass 123+.

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- XIV. Claims 75-87, drawn to a conjugate of formula (IIAA), classified in class 564, subclass 123+.
- XV. Claims 88-90, drawn to a conjugate of formula (IIB), classified in class 564, subclass 152+.
- XVI. Claims 91-94, drawn to a conjugate of formula (IIBB), classified in class 564, subclass 152+.
- XVII. Claims 95-96, drawn to a conjugate of formula (IIC), classified in class 564, subclass 505.
- XVIII. Claims 97-99, drawn to a conjugate of formula (IICC), classified in class 564, subclass 505.
- XIX. Claims 100-104, drawn to a conjugate of formula (IID), classified in class 548, subclass 530+.
- XX. Claims 105-107, drawn to a conjugate of formula (IIDD), classified in class 548, subclass 530+.
- XXI. Claims 108-112, drawn to a conjugate of formula (IIE), classified in class 548, subclass 530+.
- XXII. Claims 113-115, drawn to a conjugate of formula (IIEE), classified in class 548d, subclass 530+.
- XXIII. Claims 116-117, drawn to a conjugate of formula (IIF), classified in class 568, subclass 30+.
- XXIV. Claims 118-120, drawn to a conjugate of formula (IIFF), classified in class 568, subclass 30+.

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XXV. Claims 121-123, drawn to a conjugate of formula (IIG), classified in class 548, subclass 530+.

XXVI. Claims 124-126, drawn to a conjugate of formula (IIGG), classified in class 548, subclass 530+.

XXVII. Claim 127, drawn to a method of making an aldehyde, classified in class 568, subclass 403.

XXVIII. Claim 128, drawn to a process for making an aldehyde, classified in class 568, subclass 397.

XXIX. Claim 129, drawn to a process for making a compound, classified in class 568, subclass 30+.

XXX. Claim 130, drawn to a process for making a compound, classified in class 548, subclass 530+.

XXXI. Claim 131, drawn to a process for making a compound, classified in class 548, subclass 530+.

The inventions are independent or distinct, each from the other because:

All of the inventions, groups I-XXVI are drawn to patentably distinct products; the inventions of groups XXVII-XXXI are drawn to patentably distinct processes for making patentably distinct products. None of the processes are drawn to processes for making a product of any of groups I-XXVI.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their

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recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

A telephone call was made to applicants' representative, William Epstein on September 19, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikarl A. Witherspoon whose telephone number is 571-272-0649. The examiner can normally be reached on M-F 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Sikarl A. Witherspoon

SIKARL A. WITHERSPOON
PRIMARY EXAMINER